

**BRIAN ROBERT HOLMES,** )  
 )  
 **PLAINTIFF** )  
 )  
 **v.** ) **CIVIL No. 1:11-cv-275-DBH**  
 )  
 **JAMES FOSS,** )  
 )  
 **DEFENDANT** )

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**